

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

SPECTRUM LABORATORIES, LLC,	:	Case No. 1:24-cv-29
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
QUICK FIX PLUS, et al.,	:	
	:	
Defendants.	:	

SECOND ORDER TO SHOW CAUSE

This matter is before the Court sua sponte. On May 7, 2024, this Court ordered Plaintiff to show cause why its claims against Defendants Quick Fix Plus and Does #1-10 should not be dismissed for failure of service. (*See* Order to Show Cause, Doc. 5.) On May 9, 2024, Plaintiff filed an Amended Complaint (Doc. 6), substituting Fire On Location Corporation ("FOLC") for Quick Fix Plus. Plaintiff then obtained an executed waiver of service from FOLC on May 21, 2024. (*See* Doc. 8.) At this time, however, Plaintiff has still not identified Does #1-10. And, the record contains no indication that Does #1-10 waived service of process or that Plaintiff served Does #1-10 with a summons or copy of the Complaint.

Proper service of process is required for this Court to obtain personal jurisdiction over Defendants. *OJ Distrib., Inc. v. Hornell Brewing Co., Inc.*, 340 F.3d 345, 353 (6th Cir. 2003). "Plaintiff bears the burden of exercising due diligence in perfecting service of process and in showing that proper service has been made." *Beyoglides v. Montgomery Cty.*

Sheriff, 166 F. Supp. 3d 915, 917 (S.D. Ohio 2016) (citations omitted).

Federal Rule of Civil Procedure 4(m) provides, in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court-on motion or on its own after notice to the plaintiff-must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiff has properly obtained a waiver of service from FOLC, and Plaintiff's claims against FOLC may proceed accordingly. However, Plaintiff has not identified, served, or received a waiver of service from Does #1-10. Accordingly, Plaintiff is hereby **NOTIFIED** that the Court proposes to dismiss the claims against Does #1-10 without prejudice. Plaintiff is **ORDERED** to show cause, within 14 days of this Order, why the claims against Does #1-10 should not be dismissed for failure of service.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND